

REMARKS

35 U.S.C. §112, second paragraph

Claim 8 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 has been amended to clarify the height / depth ratio of the pads.

37 CFR 1.75(c)

Claim 9 is objected to under 37 CFR 1.75 (c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 1 has been amended to recite that the pads have a width of at least 50% of the groove width; thus claim 9 properly limits the subject matter of claim 1. Support for the amendments to claim 1 is found in paragraph 38.

35 U.S.C. § 102

Rooney

Claims 1-2, 4-6, 8-10 and 12-14 have been rejected under 35 U.S.C. § 102(b) as anticipated by Rooney 774 (US 6,401,774). This rejection is respectfully traversed for the following reasons.

Rooney fails to disclose, teach or appreciate the deflecting walls of each pad initiating at a base of the adjacent tread elements. Instead the pad 72 of Rooney is spaced from the lug walls. In the description of the pad 72, there is not suggestion or teaching of the recited structure.

As Rooney fails to disclose each and every element of the claims, it is respectfully requested that this rejection be withdrawn.

Allison et al

Claims 1-2, 7, 8, 9, 10, 12, 13 have been rejected under 35 U.S.C. 102(a, (e) as being anticipated by Allison et al (US 2003/0041939). This rejection is respectfully traversed for the following reasons.

The Office Action indicates that the lugs 13 of Allison read on the original claim 1.

Claim 1 has been amended to clarify that the elongated pads are located in the central tread width and extend between pairs of lateral zone tread elements and into the shoulder regions.

Lugs 13 of Allison are not located in the central tread zones, but are located solely in the shoulder regions of the tire.

As Allison et al fails to anticipate the invention as recited in claims 1-2, 7, 8, 9, 10, 12 and 13, it is respectfully requested that this rejection be withdrawn.

35 U.S.C. § 103

Shontz

Claims 1-2, 4-6, 8-10 and 12-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shontz (BFGoodrich Mud-Terrain T/A KM) in view of Rooney 774 (US 6,401,774) and optionally Allison et al (US 2003/004939). This rejection is respectfully traversed for the following reasons.

The Examiner has chosen to use the Rockcrawler article by Shontz as a primary reference to show the BFGoodrich Mud-Terrain T/A tire; relying upon the article solely for its photographs of the tire. In the provided article, the actual details of the pads is very unclear, rendering the actual construction of the pads unclear. Applicants note that a much better photograph of the Mud-Terrain T/A tire was provided by Applicants; the photograph being in a 2003 BFGoodrich advertisement. Presumably, the Shontz article was used to establish an earlier publication date of 2001, rather than a need for photos of the Mud-Terrain T/A.

As noted in the Background of the present application, the Mud-Terrain has a very thin rib in the base of the lateral zone transverse grooves. In the rejection, it is noted that the Mud-Terrain fails to disclose the thin rib as having a base width greater than 50% of the groove width and the teachings of Rooney 774 are relied thereon for such teachings.

As noted above, Rooney 774 discloses a pad having a base width of 50% or greater than the groove base width, but is silent about the pad's deflecting walls initiating at the base of the tread element block wall. Allison, used in the alternative, also fails to teach such a feature.

In a § 103 rejection, the combined references must teach or suggest all the claim limitations. As the Mud-Terrain combined with Rooney 774, or alternatively Allison, fails to teach or suggest the recited construction of the pad at the block wall base, the combined references fail to establish *prima facie* obviousness of the invention as recited in claims 1-2,

4-6, 8-10 and 12-14, and it is respectfully requested that the rejection be withdrawn.

Claim 3 has been rejected under 35 U.S.C. 102(a) as being unpatentable over Shontz in view of Rooney 774 and optionally Allison et al and further in view of McMannis (US 6,533,007), Guidry (US D469,737) or Floria (US D202,254).

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz in view of Rooney 774 and optionally Allison et al as applied above and further in view of Rooney 926 (US 2004/0123926) or French 341 (FR 1163341).

Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz in view of Rooney and optionally Allison et al and further in view of BFGoodrich Tires Introduces Krawler T/A or the admitted prior art (paragraph 5 of specification).

None of the additional references cited in the rejections of the claims 3, 7, and 11 make up for the deficiency of the rejection of Shontz in view of Rooney 774 and optionally Allison et al.

As Shontz in view of Rooney 774 and optionally Allison et al fails to anticipate or render the subject matter of claim 1 obvious, then any rejection of the dependent claims based on Shontz as modified also fails.

In light of this amendment, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,



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